

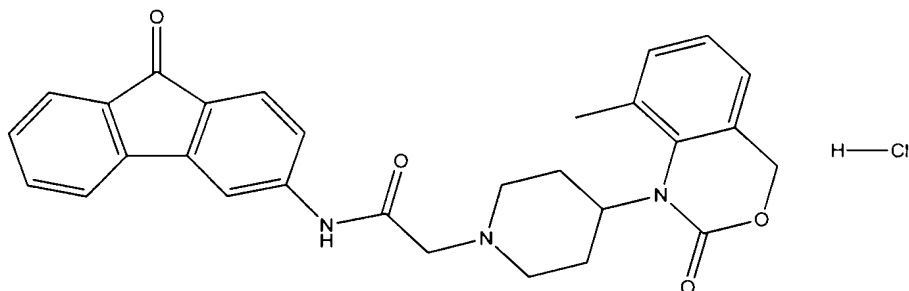
REMARKS/ARGUMENTS

The Examiner is requiring Applicant to elect a single species for each of the following:

- 1) A single species for compounds with neuropeptide Y (NPY) receptor affinity (e.g. 2-[4-(2-Hydroxymethyl-phenylamino)-piperidin-1-yl]-N-quinolin-8-yl-acetamide);
- 2) A single species for compounds with 5-HT<sub>6</sub> receptor affinity (e.g. EMD-386,008); and
- 3) A single species for the disease (e.g. use of a medicament in combination of compounds with neuropeptide Y (NPY) receptor affinity and compounds with 5-HT<sub>6</sub> receptor affinity for regulation of appetite, for maintenance, increase or reduction of body weight, for prophylaxis and/or treatment of disorders related to food ingestion, preferably for prophylaxis and/or treatment of obesity, anorexia, cachexia, bulimia, diabetes, preferably type 11 diabetes (non-insulin-dependent diabetes mellitus), for prophylaxis and/or treatment of gastrointestinal tract disorders, preferably of the irritable bowel syndrome, for prophylaxis and/or treatment of Peripheral Nervous System Disorders, for prophylaxis and/or treatment arthritis, for prophylaxis and/or treatment of epilepsy, for prophylaxis and/or treatment of anxiety, for prophylaxis and/or treatment of panic, for prophylaxis and/or treatment of depression, for prophylaxis and/or treatment of bipolar disorders, for prophylaxis and/or treatment of cognitive disorders, for prophylaxis and/or treatment of memory disorders, for prophylaxis and/or treatment of cardiovascular diseases, for prophylaxis and/or treatment of senile dementia processes, for prophylaxis and/or treatment of neurodegenerative disorders, preferably Alzheimer's disease, Parkinson's disease, Hunting's disease and/or multiple sclerosis, for prophylaxis and/or treatment of schizophrenia, for prophylaxis and/or treatment of psychosis, for prophylaxis and/or treatment of treatment of infantile hyperkinesia (ADHD, attention deficit/hyperactivity disorder), for prophylaxis and/or treatment of pain, for prophylaxis and/or treatment of hypertensive syndrome, for prophylaxis and/or treatment of inflammatory diseases, for prophylaxis and/or treatment of immunologic diseases, for improvement of cognition).

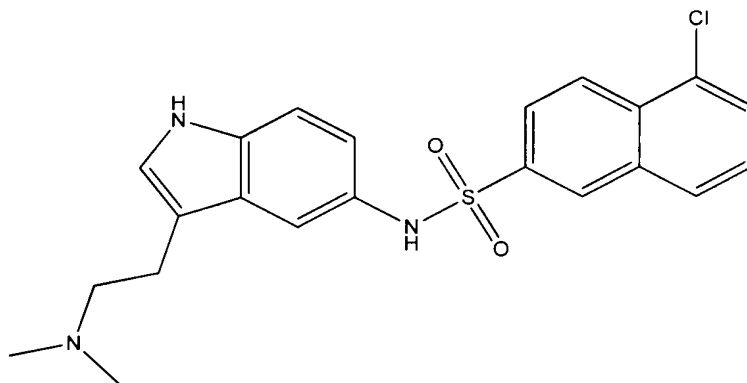
Applicants provisionally elect the following species, for examination purposes only:

- (1) 2-(4-(8-methyl-2-oxo-2,4-dihydro-1H-benzo[d][1,3]oxazin-1-yl)piperidin-1-yl)-N-(9-oxo-9H-fluoren-3-yl)acetamide hydrochloride as a compound binding NPY<sub>5</sub> receptor (at least claims 1 - 45 readable thereon);



2-(4-(8-methyl-2-oxo-2,4-dihydro-1H-benzo[d][1,3]oxazin-1-yl)piperidin-1-yl)-N-(9-oxo-9H-fluoren-3-yl)acetamide hydrochloride

(2) 5-chloro-N-(3-(2-(dimethylamino)ethyl)-1H-indol-5-yl)naphthalene-2-sulfonamide as a compound binding 5-HT<sub>6</sub> receptor (at least claims 1 - 45 readable thereon);



5-chloro-N-(3-(2-(dimethylamino)ethyl)-1H-indol-5-yl)naphthalene-2-sulfonamide and

(3) regulation of appetite as the disease (at least claims 7, 9 and 34 - 45 readable thereon).

Applicants note that all names provided are the standard IUPAC names for the associated structures. If there are any discrepancies between the names and the structures provided above, the names shall govern.

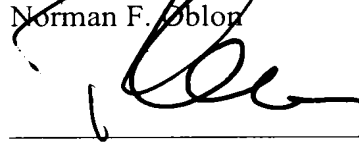
Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP § 808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully

submit that the restriction is improper, and Applicants' election of species is for examination purposes only. Applicants respectfully request that the election requirement be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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